

REMARKS

The specification has been reviewed, and clerical errors of the specification have been amended.

In paragraph 1 of the Action, the drawings were objected to. In view of the objection, Fig. 3 with numeral 2a has been filed.

In paragraph 3 of the Action, the abstract of the disclosure was objected to. In view of the objection, new abstract has been filed.

In paragraph 5 of the Action, claim 3 was rejected under 35 U.S.C. 112, second paragraph. In paragraph 7 of the Action, claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Tucker et al.

In view of the rejections, claims 1-3 have been cancelled, and new claims 4-8 have been filed.

As clearly recited in new claim 4, a toilet paper holder of the invention comprises a roll paper retainer, and a holding plate for cutting roll paper. The roll paper retainer includes a back plate, and a pair of holding members projecting forwardly from the back plate and having supporting members for rotatably supporting roll paper therebetween. Also, the holding plate includes an upper plate.

In the invention, guide portions are formed at two lateral sides of the back plate. Also, the holding plate includes a rear plate vertically slidably fitted in the guide portions. The upper plate projects forwardly from the rear plate to move vertically together with the rear plate, and has a distal end portion positioned substantially on a line between the rotatable supporting members.

Therefore, the rear plate moves vertically along the guide portions. Thus, the upper plate fixed to the rear plate is also moved vertically. Since the distal end portion of the upper plate is located on the line between the rotatable supporting members, the cutting position at the edge of the upper plate is constant,

i.e. the cutting position does not change regardless of the size or using condition of the roll paper. Accordingly, the roll paper can be cut smoothly in any using condition by the upper plate.

In Tucker et al. cited in the Action, a dispenser 10 for roll toweling includes a mounting plate 12, a cover 16 rotatably connected to the plate 12 by screws 17, and roll supports 30, 32 pivotally connected to the plate 12. As shown in Fig. 1, when a roll 48 is placed between the roll supports 30, 32, the cover 16 is placed on the roll 48. As the roll 48 is used, the cover 16 tilts around the screws 17. When the roll 48 is removed, the cover 16 falls downwardly, as shown in Fig. 2.

In the invention, the guide portions are formed at two lateral sides of the back plate. In Tucker et al., there is no guide portion at the two lateral sides of the plate 12.

Also, in the invention, the holding plate includes a rear plate vertically slidably fitted in the guide portions. In Tucker et al., the cover 16 has a rear portion, but the rear portion is rotatably fixed to the plate 12. Namely, the cover 16 does not have a rear plate nor is slidable relative to the plate 12, different from the invention.

In the invention, further, the upper plate projects forwardly from the rear plate to move vertically together with the rear plate. In Tucker et al., the cover 16 only tilts relative to the plate 12.

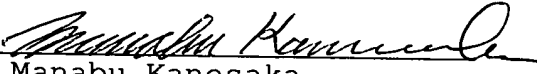
Still further, in the invention, the distal end portion of the upper plate is positioned substantially on a line between the rotatable supporting members. In Tucker et al., the edge position of the cover 16 is not considered at all, and is changed according to the usage of the roll paper.

Therefore, the features of the invention are not disclosed or even suggested in Tucker et al. The invention is patentable over Tucker et al.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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